D.B.CRIMINAL LEAVE TO APPEAL NO.237/2006
(State of Raj. Vs. Bhanwar Lal)
AND
D.B.CRIMINAL REVISION PETITION NO. 696/2006
(Mohan Lal Vs. State of Raj.)

Date : 7.11.2006

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. GOPAL KRISHAN VYAS,J.

Mr. L.R.Upadhyay,P.P.
Mr. Vipin Makkad, for petitioner in revision.
Mr. P.C.Solanki)
Mr. Sandeep Mehta) for respondents in revision.

Having heard learned counsel for the Public Prosecutor, we are of the opinion that no case for interference is made out in the order of acquittal passed by learned trial judge.

A complaint was lodged by father of the deceased alleging that his daughter has been administered the poison or she has herself consumed poison because she was ill-treated by her in-laws. He also attributed that the daughter told in hospital that she has been administered poison. However, by whom poison was administered that has not been attributed in the statement of the deceased. The alleged dying declaration by the deceased has not been accepted by the trial judge, in view of the fact that notwithstanding attributing a definite statement to deceased about administration of poison, he himself has stated that it was either administered by someone or she has herself taken

the poison due to ill treatment meted out to her. This statement of father of deceased belies that genuiness of any such definite statement attributed to deceased and her own complaint was founded on suspicious. In our opinion the so called dying declaration before father was rightly discarded by learned Additional Sessions Judge(Fast Track) No.1, Jodhpur and could not have been given any credence. Once the effect of dying declaration is taken out, there is virtually nothing on the record to connect the accused respondent with the commission of administering poison to the deceased, who was married for 8 years. No circumstance, which could connect the accused with the commission of crime or that he had even opportunity to administer poison to his daughter in-law has been brought on record to prove the allegation against him.

The application for leave to appeal against the judgment of Additional Sessions Judge (Fast Track) No.1, Jodhpur dated 25.4.2006 acquitting respondent is rejected.

For the same reason, we do not find any force in D.B.Criminal Revision Petition No. 696/06, against the same order. The same is rejected.

(GOPAL KRISHAN VYAS),J. **(RAJESH BALIA),J.**

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